



James Brown, Chairman

MONTANA PUBLIC SERVICE COMMISSION RULEMAKING STATUS UPDATE

1. DOCKETED, BUT NO FORMAL NOTICE PUBLISHED WITH SOS

PURPA Rulemaking – 2021.03.037

- January 26, 2021 - Rulemaking initiated by Commission.
- March 17, 2021 - Solicited informal public comment.
- April 16, 2021 - Received comments from 8 interested parties.

- No formal notice of proposed rulemaking has been published.
- Requested comments on the topics of
 - QF contract length
 - avoided carbon dioxide emission costs
 - Commission's Legally Enforceable Obligation (LEO) standard.

- At a subsequent business meeting, the Commission directed staff to solicit comment on appropriate avoided cost modeling methodology for hybrid (renewable + battery) qualifying facilities.
- In the process of scheduling an informal roundtable discussion among stakeholders prior to publishing proposed amendments/proposed rules.

Utility Long-Term Planning & Competitive Solicitation – 2021.01.007

- Required to implement 2019 HB 597.
- Seeks to implement changes in the law regarding the utility long-term planning process and competitive solicitations for electric resources.
- January 19, 2021 – solicited informal public comment.
- Comments received from 10 interested parties, including utilities, consumer groups, renewable/environmental groups, and the bill sponsor.
- No formal Notice of Proposed Amendment yet published in Administrative Register.
- Staff is currently completing a memorandum advising the Commission on draft rules to propose for adoption.
- Should be a proposal notice published in the Administrative Register in the next 1-2 months.

Montana Energy Impact Assistance Bonds – 2020.03.033

- *Required to implement 2019 HB 467*
- *Will address HB 467's purpose of encouraging and facilitating the use of securitized, ratepayer-backed Montana Energy Impact Assistance bonds to address, and lower the costs associated with, the retirement and/or replacement of electric infrastructure.*
- *March 17, 2020 - Commission solicited informal public comment.*
- *May 8, 2020 - Received comment from NorthWestern Energy and Montana-Dakota Utilities.*
 - *Initial impression of comments by Commission staff was that commenters believed the bill to be unambiguous and that implementation could occur without rulemaking.*
 - *Recent audit flagged lack of rulemaking as inconsistent with legislative direction in the bill.*
- *No formal Notice of Proposed Rulemaking has yet been published in Administrative Register.*
- *Commission staff is currently completing a memorandum advising the Commission of draft rules to adopt for proposal. Anticipate proposal notice to be published in the Administrative Register in the next 1-2 months.*

2. PROPOSAL NOTICE PUBLISHED IN ADMINISTRATIVE REGISTER. NO FINAL RULE YET ADOPTED

Advanced Meter Infrastructure – 2019.12.108

- *January 29, 2021 - Proposed Rule published in the Administrative Register.*
- *February 23, 2021 - Public hearing conducted.*
- *March 1, 2021 – Comment deadline. Commission received multiple comments, both written and orally during the hearing, from both utilities and customers.*
- *During rulemaking proceeding, in 2021 legislative session, legislature passed HB 606. HB 606 amends existing AMI statutory authority to redefine “Advanced Metering Devices” and add a definition for “Advanced Metering Gateway Devices”*
 - *Requires Commission to determine whether to establish rules for “opt-out” programs for customers.*
 - *Allows Commission to establish rules for an “opt-in” program.*
 - *Extends Commission's deadline to adopt rules to July 1, 2022.*
- *July 13, 2021 – Initial Rulemaking Adoption Notice was amended to accommodate changes to the law resulting from HB 606.*
- *Commission will receive additional public comment and will adopt a final “opt-out” rule on or before January 13, 2022.*
- *Commission will initiate “Opt-In” rulemaking proceedings in the coming weeks.*

Procedural Rules – 2021.04.053

- *April 20, 2021 - Rulemaking initiated.*
- *May 14, 2021 - Proposed Rule Amendments published in Administrative Register.*
- *June 29, 2021 - Adoption of proposed rules approved by the Commission, as amended.*
 - *Removed changes to general and special intervention rules.*
 - *Made changes based on public comment.*
- *Amends various procedural rules to move toward electronic filing, streamline commission proceedings, eliminate duplicative or inconsistent procedural rules; and generally update certain outdated procedural rules.*

- *Moving forward the Commission will continue to review and amend its procedural rules within this docket as part of a larger-scale procedural rule review.*

3. RECENTLY FINALIZED/ADOPTED RULES

Pipeline Safety – No docket number assigned

- *Mont. Admin. Rs. 38.5.2202 and 38.5.2303 are amended annually to pick up changes to DOT Pipeline Safety, Drug, and Alcohol Testing Regulations.*
- *Amendments adopted by the Commission on May 4, 2021.*
- *Will be re-initiated in Q4 of 2021.*

Discovery – 2020.12.122

- December 24, 2020 – Notice of Proposed Rule Amendments published in Administrative Register.
- May 14, 2021 - Notice of Adoption published in the Administrative Register on May 14.
- Amends Commission discovery rules to more closely align with actual Commission practice, and statutory authority in contested cases.

4. UPCOMING OR CONTEMPLATED RULEMAKINGS

- **Implement 2021 HB 365** – Deregulates all Class B motor carriers
- **Implement 2021 HB 467** – Repeals the renewable portfolio standard.
- **Implement SB 183** – Revises applicable statute of limitation laws regarding overbilling of telecom services
- **Transportation Civil Citation Process**
- **Receivables/Tax IDs**
- **PCN Renewals for Garbage Contracts**